

These comments are in response to Cinergy Corp. and PPL Telecom comments regarding the Broadband Over Power Lines (BPL) NOI.

In it's comments, PPL Telecom states that the burden of proof is on the opponents of BPL to justify blocking a new technology or entrant that may provide a more affordable telecommunication services to a broader base of customers. BPL deployed in demonstration markets has been shown to cause harmful interference. Refer to <http://www.arrl.org/news/stories/2003/08/08/2/?nc=1> for text and video of the interference that was observed. Japan, Holland, and other countries have investigated BPL and found it to cause unacceptable interference to established services. These studies demonstrate that BPL causes interference to such an extent as to render existing legally licensed radio services unusable. This is sufficient cause to block implementation until such time as interference is demonstrated to be eliminated by the petitioner(s).

Cinergy Corp. commented that BPL implementation would enhance homeland security by creating redundancy. Redundancy to existing licensed systems in the 2 through 80 MHz spectrum like Shortwave Radio Broadcasting, Ch 2-6 Television Broadcasting, Aeronautical Radionavigation, Aeronautical Mobile, Maritime Mobile, Land Mobile, Fixed, Frequency and Time Standard, Amateur, Amateur Satellite, and Radio Astronomy? But any technology that renders existing services unusable eliminates redundancy by mandating dependence on an unproven new technology. An unproven new technology running on an unreliable electrical distribution system as witnessed by the massive electrical power outage last week. These services would not be able to support commerce, public safety, military, or aeronautical navigation needs when facing the interference levels observed in the BPL demonstration markets. Therefore the FCC would be abrogating it's Congressionally mandated responsibility to make sure the nation's communications systems are working seamlessly and competitively in the public's best interest.

This interference would not be limited to the United States. The power transmission lines would make a huge antenna array capable of emitting sizable amounts of RF noise around the world. This would be in violation of ITU conventions. To wit:

"Section II. Interference from Electrical Apparatus and Installations of any Kind Except Equipment Used for Industrial, Scientific and Medical Applications

§ 9. Administrations shall take all practicable and necessary steps to ensure that the operation of electrical apparatus or installations of any kind, including power and telecommunication distribution networks, but excluding equipment used for industrial, scientific and medical applications, does not cause harmful interference to a radiocommunication service and, in particular, to a radionavigation or any other safety service operating in accordance with the provisions of these Regulations *.

*In this matter, administrations should be guided by the latest relevant CCIR Recommendations"

(Note that in ITU-speak 'shall' means 'without exception'.)

BPL proponent's claims of providing a more affordable telecommunication services to a broader base of customers is not compelling. Crippling interference documented by multiple credible studies is basis enough for blocking implementation. This same interference counters the claim of

providing redundancy when existing radio services would be rendered unusable. Finally, the availability and price competition of existing broadband technologies such as cable, satellite, and DSL already provide affordable broadband telecommunication services to a broad base of customers.

Respectfully,
Dan Malone